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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case Number: 2013 - 793

13 **GLENYS JOY MILLER**
906 W 8 Mile Road
Sault Ste Marie, Michigan 49783

A C C U S A T I O N

14 **Registered Nurse License Number 775192**

15 Respondent.

16
17 Complainant Louise R. Bailey, M.Ed., R.N., alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

21 2. On or about June 14, 2010, the Board issued Registered Nurse License Number
22 775192 to respondent Glenys Joy Miller. This registered nurse license expired on December 31,
23 2011, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 118, subdivision (b) provides:

2 “The suspension, expiration, or forfeiture by operation of law of a license issued by a board
3 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order
4 of a court of law, or its surrender without the written consent of the board, shall not, during any
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the licensee on any such ground.”

9 5. Section 2750 provides:

10 “Every certificate holder or licensee, including licensees holding temporary licenses, or
11 licensees holding licenses placed in an inactive status, may be disciplined as provided in this
12 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this
13 article, ‘license’ includes certificate, registration, or any other authorization to engage in practice
14 regulated by this chapter. The proceedings under this article shall be conducted in accordance
15 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
16 Government Code, and the board shall have all the powers granted therein.”

17 6. Section 2759 provides:

18 “The board shall discipline the holder of any license, whose default has been entered or
19 who has been heard by the board and found guilty, by any of the following methods:

20 “(a) Suspending judgment.

21 “(b) Placing him upon probation.

22 “(c) Suspending his right to practice nursing for a period not exceeding one year.

23 “(d) Revoking his license.

24 “(e) Taking such other action in relation to disciplining him as the board in its discretion
25 may deem proper.”

26 7. Section 2764 provides:

27 “The lapsing or suspension of a license by operation of law or by order or decision of the
28 board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the

1 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
2 against such license, or to render a decision suspending or revoking such license.”

3 STATUTORY AUTHORITY

4 8. Section 2761 provides, in pertinent part:

5 “The board may take disciplinary action against a certified or licensed nurse or deny an
6 application for a certificate or license for any of the following:

7 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

8 ...

9 “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
10 against a health care professional license or certificate by another state or territory of the United
11 States, by any other government agency, or by another California health care professional
12 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
13 action.”

14 COST RECOVERY

15 9. Section 125.3 provides, in pertinent part:

16 “(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
17 proceeding before any board within the department or before the Osteopathic Medical Board,
18 upon request of the entity bringing the proceedings, the administrative law judge may direct a
19 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
20 to exceed the reasonable costs of the investigation and enforcement of the case.

21 ...

22 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
23 of investigation and enforcement of a case in any stipulated settlement.”

24 DRUGS

25 10. “Demerol” is a brand name for Meperidine. It is a opioid pain reliever and used
26 to treat moderate-to-severe pain. It is a Schedule II controlled substance pursuant to Health and
27 Safety Code section 11055, subdivision (c)(17), and a dangerous drug pursuant to Business and
28 Professions Code section 4022.

1 11. "Amicar" is a brand name for Aminocaproic Acid. It is a man-made form of a
2 protein that occurs naturally in the body and helps the blood clot. It is a dangerous drug pursuant
3 to Business and Professions Code section 4022.

4 12. "Lopressor" is a brand name for Metoprolol. It is a water pill that helps prevent the
5 body from absorbing too much salt which can cause fluid retention. It is a dangerous drug
6 pursuant to Business and Professions Code section 4022.

7 13. "Fortaz" is a brand name for Cefprozil. It is an antibiotic. It is a dangerous drug
8 pursuant to Business and Professions Code section 4022.

9 14. "Claforan" is a brand name for Cefotaxime. It is an antibiotic. It is a dangerous drug
10 pursuant to Business and Professions Code section 4022.

11 **CAUSE FOR DISCIPLINE**

12 **Bus. & Prof. Code, § 2761, subd. (a)(4)**

13 **Unprofessional Conduct – Out-of-State Disciplinary Action**

14 15. Respondent has subjected her registered nurse license to disciplinary action under
15 section 2761, subdivision (a)(4), in that on or about March 8, 2012, in a disciplinary action before
16 the Michigan Board of Nursing (Michigan Nursing Board), the Michigan Nursing Board entered
17 into a Consent Order and Stipulation against respondent's Michigan Registered Nurse License
18 Number 4704250160. In the Consent Order and Stipulation, the allegations contained in the
19 Complaint against respondent were deemed to be true, and to constitute violations of sections
20 16221(a) and 16221(b)(i) of the Michigan Public Health Code. Additionally, on or about March
21 8, 2012, pursuant to the Consent Order and Stipulation, the Michigan Nursing Board issued an
22 order placing respondent on probation for one year upon certain terms and conditions. The
23 circumstances are as follows:

24 16. Respondent is currently licensed to practice as a registered nurse in the State of
25 Michigan. At all relevant times, respondent was employed by the War Memorial Hospital,
(facility) in Sault Sainte Marie, Michigan.

26 17. On October 5, 2009, respondent received corrective action from the facility for:

27 ///

- 1 a) failing to administer Lopressor to patient T. E.¹ when his blood pressure was within the
2 parameters to receive the medication;
3 b) starting and administering the wrong intravenous fluid; and
4 c) failing to administer antibiotics to patient T. E. as ordered.

5 Consequently, the facility suspended respondent's employment for three days.

6 18. On January 8, 2010, the facility's investigation revealed the following additional
7 medication errors by respondent:

8 a) On September 26, 2009, respondent programmed a Demerol patient-controlled
9 anesthesia pump at the wrong interval for patient D. F., resulting in poor pain control.

10 b) On September 27, 2009, respondent administered two dosages of the antibiotic
11 Claforan to patient K. J., instead of the antibiotic Fortaz as ordered.

12 c) On December 31, 2009, and January 1, 2010, respondent failed to administer the
13 correct dosage of Amicar to patient H. T. Respondent falsified H. T.'s medical record to indicate
14 that she had started the infusion pump to administer the medication, when in fact the infusion
15 pump had not been run from December 31, 2009, until 5:31 a.m. on January 1, 2010. As a result,
16 patient H; T.'s blood pressure dropped and he continued to experience hematuria, or blood in the
17 urine. The patient later required a transfusion of two units of packed red blood cells.

18 19. On January 8, 2010, based upon the aforementioned conduct, the facility terminated
19 respondent's employment and reported respondent to the Michigan Board of Nursing pursuant to
20 section 20175(5) of the Michigan Public Health Code.

21 **PRAYER**

22 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
23 Accusation, and that following the hearing the Board issues a decision:

24 1. Revoking or suspending Registered Nurse License Number 775192 issued to Glenys
25 Joy Miller;

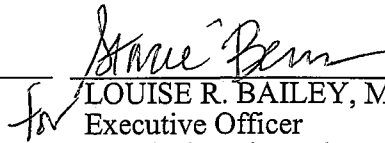
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27 _____
28 ¹ The patients will be referred to by initials only in order to preserve confidentiality.

2. Ordering Glenys Joy Miller to pay the Board the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: MARCH 18, 2013


LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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